

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:	§	
	§	CASE NO. 21-60280
CORRY DAVIS MARKETING, INC.,	§	
	§	
DEBTOR.	§	
	§	CHAPTER 11
542 East Hwy. 64	§	
Canton, Texas 75103	§	
EIN: xx-xxx8498	§	

DEBTOR'S APPLICATION TO EMPLOY ATTORNEY

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written response in opposition to the pleading, explaining the factual and/or legal basis for opposing the relief sought.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS MOTION WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IN OPPOSITION TO THE MOTION IS TIMELY FILED AND SERVED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR RESPONSE TO THE MOTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

Corry Davis Marketing, Inc., Debtor herein, makes this Application to Employ Attorney and in support thereof respectfully represent as follows:

1. This Application is filed pursuant to 11 U.S.C. §§ 327 and 328, Bankruptcy Rule 2014 and Local Rule of Bankruptcy Procedure 2014. Applicant filed its petition under Chapter 11 of the United States Bankruptcy Code on July 2, 2021.

2. Applicant desires to employ the following attorney as counsel for the Debtor-in-Possession in this case:

Michael E. Gazette
Bar No. 07784500
Law Offices of Michael E. Gazette
100 East Ferguson Street, Suite 1000
Tyler, Texas 75702-5706
903/596-9911 Telephone
903/596-9922 Telecopier
Email: megazette@suddenlinkmail.com

3. Applicant desires to employ Michael E. Gazette as counsel to appear for, prosecute, and defend in the above-referenced bankruptcy proceeding, including providing advice to Debtor, the preparation and filing of the petition, schedules, and statement of financial affairs, the preparation and filing of a disclosure statement and plan of reorganization, negotiation with creditors, review of executory contracts, review of claims, the response to and appearance at hearings on contested matters, and for any further matters which may arise.

4. Applicant is informed and believes that Michael E. Gazette has extensive experience in bankruptcy, business reorganization, and general debtor/creditor matters, and the personnel needed to perform the legal services required by this estate. Applicant believes that Mr. Gazette's experience is necessary to the successful completion of this case, particularly with the preparation of a plan of reorganization and a disclosure statement.

5. Based upon the declaration attached hereto, Applicant believes that Michael E. Gazette does not hold or represent any interest adverse to that of Applicant or the Debtor's estate; and that said attorney is a disinterested person within the meaning of 11 U.S.C. Section 101(14). Applicant is informed that the normal hourly billing rate of Michael

E. Gazette at the time of this application, for Chapter 11 bankruptcy matters, is \$325.00 per billable hour for his time as an attorney, and \$50.00 for paraprofessionals. It is contemplated that said attorney will seek interim compensation during the case as permitted by 11 U.S.C. Section 331.

6. Applicant has paid the sum of \$25,000.00 to Michael E. Gazette prior to the filing of this Application and prior to the filing of this case. The sum of \$4,713.50 was paid to Michael E. Gazette for pre-petition services. The balance of the \$25,000.00, being \$20,286.50, is presently held in the IOLTA Trust Account for the Law Offices of Michael E. Gazette. Michael E. Gazette will look only to the Applicant and its bankruptcy estate as the source of any compensation in this case. Post-petition services are to be billed at the rates set forth in the preceding paragraph as may be allowed by the Court. No funds will be withdrawn from the retainer presently held without an order from the Court.

7. Applicant further submits that, to the best of its knowledge and belief, such approval does not impair or prejudice any party in interest.

8. The statement required by Bankruptcy Rule 2014(a) is attached to this Application.

WHEREFORE, premises considered, Corry Davis Marketing, Inc., Applicant and Debtor herein, prays for an order of this Court approving the employment of Michael E. Gazette as attorney to render legal services in the areas described above with compensation to be paid as an administrative expense in such amounts as this Court may hereinafter determine.

DATED: July 7, 2021.

Respectfully submitted,

LAW OFFICES OF MICHAEL E. GAZETTE

By: /s/ Michael E. Gazette
Michael E. Gazette
State Bar No. 07784500

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Tyler, Texas 75702-5706
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ATTORNEY FOR DEBTOR/APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Debtor's Application to Employ Attorney has been sent to the United States Trustee, 110 N. College, Suite 300, Tyler, Texas 75702, and all parties on the attached mailing matrix via electronic means or First Class U. S. Postal Service on the 7th day of July, 2021.

/s/ Michael E. Gazette
Michael E. Gazette

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